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Good afternoon Senator McDonald, Representative Lawlor and members of the Judiciary Committee I am here to testify in support of two bills: SB 399, AN ACT ESTABLISHING A CIVIL ACTION WITH RESPECT TO CRIMINAL RECORDS USED IN EMPLOYMENT DECISIONS and SB 489, AN ACT CONCERNING UNINSURED AND UNDERINSURED MOTORIST COVERAGE FOR BODILY INJURY TO A NAMED INSURED OR RELATIVE.

SB 399, AN ACT ESTABLISHING A CIVIL ACTION WITH RESPECT TO CRIMINAL RECORDS USED IN EMPLOYMENT DECISIONS would allow a prospective employee who has been harmed by the release of inaccurate background check information to bring a civil action against the responsible party. Over the last two years, the Connecticut General Assembly passed two public acts (07-243 and 08-53) to address the fact that when the Judicial Branch sold conviction information to private entities that performed background checks for employers (for a fee) the records were not updated when a pardon had been granted or charges had been nolled. These acts were extraordinarily important because producing background checks with outdated information can have devastating consequences for residents who have straightened out their lives and are making every attempt to be productive citizens of our state. SB 399

would create a remedy when a prospective employee is harmed by negligent behavior of persons providing background checks.

SB 489 addresses a quirk in Connecticut's insurance laws that can create an unintended conundrum for the few affected by it. This involves a situation in which a person is hit by his or her own car that has been taken without the owner's permission. When a car is taken without the owner's permission, it is declared uninsured. This is meant to protect the vehicle owner. Connecticut statutes also prevent the owner from filing an uninsured motorist claim on his or her own vehicle; this is to encourage vehicle owners to insure their vehicles. However, if these two statutes operate together, when a vehicle owner is injured by his or her own vehicle that has been taken without permission there is no way to make a claim. This was not the intent of the legislature when it passed these two provisions; there was not an intent to have the two provisions work together in such a way as to deny recovery to a person who is hit by his or her own vehicle that has been stolen. I am aware of two cases with a similar fact pattern; two judges made opposite decisions as to recovery. In Peirolo v. American National Fire Insurance Company, CV 9455936s (1997), Judge Rittenband held that the named insured could in fact collect under the uninsured motorist policy. He correctly noted that this situation was not in the mind of the legislature in passing that legislation. However, in Maynard v. Geico General Insurance Company, CV06 5004144s (2009), Judge Corradino held that the plaintiff could not recover due to the statutory language. This case is currently on appeal. I am hopeful that SB 489 will clarify legislative intent on this issue. Thank you for raising these important proposals.